



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Czernilofsky *et al.*

Appl. No.: 09/202,984

371(c) Date: March 19, 1999

For: **Process for Comparative Screening
of Substances Having a
Pharmacological Effect**

Confirmation No.: 3631

Art Unit: 1637

Examiner: Chunduru, S.

Atty. Docket: 0652.1830000/EKS/VSR

First Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☒ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

☒ 6. A concise explanation of the relevance of the non-English language document(s) appears below:

Document **AP1** is in the German language. An English language abstract is provided on the first page of this document as a concise summary of the relevance of this document.

☒ 7. Copies of the documents are submitted herewith.

☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

- ☐ 9. No copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003.
- ☐ 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Eric K. Steffe
Attorney for Applicants
Registration No. 36,688

Date: October 19, 2004

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Washington, D.C. 20005-3934
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FORM PTO-1449

ATTY. DOCKET NO.
0652.1830000/EKS/VS/RAPPLICATION NO.
09/202,984FIRST SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTFIRST NAMED INVENTOR
Armin CZERNILOFSKY
371 (c) Date: March 19, 1999

ART UNIT1637

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
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	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN1	WO 92/02639	02/20/1992	WIPO			Yes No
	AO1	WO 94/06919	03/31/1994	WIPO			Yes No
	AP1	WO 94/28170	12/08/1994	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	18	Barritt, G.J., <i>Communication within Animal Cells</i> , 1 st Ed., Oxford University Press, New York, New York, pp. 112-118 (1992)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

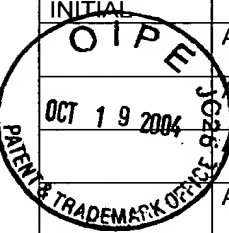
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	AL2	WO 95/02823	01/26/1995	WIPO			Yes No
	AM2	WO 95/06132	03/02/1995	WIPO			Yes No
	AN2	EP 0 644 268	03/22/95	Europe			Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	19	Boccaccio, C., <i>et al.</i> , "Hepatocyte Growth Factor (HGF) Receptor Expression Is Inducible and Is Part of the Delayed-early Response to HGF," <i>J. Biol. Chem.</i> 269:12846-12851, The American Society for Biochemistry and Molecular Biology, Inc. (1994)
	AS	19	Castanon, M.J., and Spevak, W., "Functional Coupling of Human Adenosine Receptors to a Ligand-Dependent Reporter Gene System," <i>Biochemical Biophys. Res. Comm.</i> 198:626-631, Academic Press, Inc. (1994)
	AT	19	Fong, T.M., <i>et al.</i> , "Localization of Agonist and Antagonist Binding Domains of the Human Neurokinin-1 Receptor," <i>J. Biol. Chem.</i> 267:25664-25667, The American Society for Biochemistry and Molecular Biology, Inc. (1992)

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	AN						Yes
							No
	AO						Yes
							No
	AP						Yes
							No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	20	Katoh, O., <i>et al.</i> , "Expression of the Vascular Endothelial Growth Factor (VEGF) Receptor Gene, <i>KDR</i> , in Hematopoietic Cells and Inhibitory Effect of VEGF on Apoptotic Cell Death Caused by Ionizing Radiation," <i>Cancer Res.</i> 55:5687-5692, the American Association for Cancer Research, Inc. (December 1995)
	AS	20	Kramer R.H., <i>et al.</i> , "Identification of the High Affinity Binding Site of Transforming Growth Factor- α (TGF- α) for the Chicken Epidermal Growth Factor (EGF) Receptor Using EGF/TGF- α Chimeras," <i>J. Biol. Chem.</i> 269:8708-8711, The American Society for Biochemistry and Molecular Biology, Inc. (1994)
	AT	20	Nunez, G., and Clarke, M.F., "The Bcl-2 family of proteins: regulators of cell death and survival," <i>Trends Cell Biol.</i> 4:399-403, Elsevier Science Ltd. (1994)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	21	Ogawa, H., <i>et al.</i> , "Localization, trafficking, and temperature-dependence of the <i>Aequorea</i> green fluorescent protein in cultured vertebrate cells," <i>Proc. Natl. Acad. Sci. U.S.A.</i> 92:11899-11903, the National Academy of Sciences (December 1995)
	AS	21	Stratowa, C., <i>et al.</i> , "Functional Characterization of the Human Neurokinin Receptors NK1, NK2, and NK3 Based on a Cellular Assay System," <i>J. Recept. Signal Transduct. Res.</i> 15:617-630, Marcel Dekker, Inc. (January 1995)
	AT	21	Weyer, U., <i>et al.</i> , "Establishment of a Cellular Assay System for G Protein-Linked Receptors: Coupling of Human NK2 and 5-HT ₂ Receptors to Phospholipase C Activates a Luciferase Reporter Gene," <i>Recept. Channels</i> 1:193-200, Harwood Academic Publishers GmbH (1993)

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	AR	22	Xie, Y., <i>et al.</i> , "Dominant-negative Mutants of Grb2 Induced Reversal of the Transformed Phenotypes Caused by the Point Mutation-activated Rat <i>Her-2/Neu</i> ," <i>J. Biol. Chem.</i> 270:30717-30724, The American Society for Biochemistry and Molecular Biology, Inc. (December 1995)
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